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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/960,528	09/24/2001	Hiroshi Sumiyama	325772026900	5299		
25227 7590 01/24/2008 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD			EXAM	EXAMINER		
		,	QIN, Y	QIN, YIXING		
SUITE 400 MCLEAN, VA 22102			ART UNIT	PAPER NUMBER		
1110221111, 111			2625			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
09/960,528	SUMIYAMA ET AL.	
Examiner	Art Unit	
Visite at Ota	2025	
Yixing Qin	2625	

 2.	before the rilling of all Appeal Brief	Examiner	Art Unit					
THE REPLY FILED 18 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. The regive was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which place the naping place that application and the place of the pla		Yixing Qin	2625					
1. ☑ The reply was filled after a final rejection. but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavil, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCC) in compliance with 37 CFR 1.1.14. The reply must be filed within one of the following time periods: a) ☑ The period for reply expires ② months from the mailing date of the final rejection. b) ☐ The period for reply expires 3. months from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 766 07(f). Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 766 07(f). Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 766 07(f). Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 766 07(f). Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 766 07(f). Examiner Note: If box 1 is checked, check either box (a) or (b)	The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress				
this application, applicant must timely file one of the following replies: (1) an amendment, affidavir, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) \(The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In oevent, however, will the statutory period for reply expires later than SIX MONTHs from the mailing date of the final rejection. Examiner Note: [fbox 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.13(g). The date on which the petition under 37 CFR 1.13(g) and the appropriate extension fee in very been filed in the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee in very been filed in the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee is the filed to from the fee. The appropriate extension fee is the filed for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee is the filed for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee is the following feel for the filed extension feel is the filed of the filed within the men filed appropriate extension feel is the filed of the filed of the filed extension feel is the filed of the filed extension feel is the filed of the filed of the filed extensi	THE REPLY FILED 18 December 2007 FAILS TO PLACE THIS	S APPLICATION IN CONDITION F	OR ALLOWANCE.					
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DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/18/07 have been fully considered but they are not persuasive. The argument is that the Fischer invention teaches that a user selects based upon the suggested features from the computer and that the Fischer reference could not be modified to provide a selector which makes this selection. Also, it is argued that the Fischer reference does not teach a comparator that determines which single printer is most compatible with the entire print job. This is left to the user in the Fischer reference. The Examiner respectfully disagrees on both points.

The Fischer invention suggests to the user printers based upon several criteria. The Takise reference is used to teach printers with multiple print sizes. The Fischer invention compares the capabilities of printers to suggest the printers that fit several criteria such as features, speed, availability, etc. Thus, even if the Fischer reference teaches to a user selecting, some selection mechanism is in the Fischer invention that provides the information and would act as a selector. The applicant's claimed invention is basically choosing one of the criteria (the feature that the printer can handle all the sizes in the job) amongst all of the various suggested criteria. One of ordinary skill can simply take away various selection criteria from the Fischer invention so that selection is always based upon one of the different criteria (in this case, the feature of ability to multiple sizes) and basically "force" the printer with the best ability to print different sizes to always be selected.

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As for the comparator argument, the Fischer reference again discloses the ability to compare many criteria, so it indeed can provide the user with the best selection of each criteria (i.e. the fastest printer is presented, the "most available" printer is presented, the one with the most compatible features to the job is presented, etc.)

Again, Fischer provides the best selection of each different criteria and based upon the wording in Fig. 3, item s8 of Fischer, a single printer could be provided as the best choice, even from all of the different criteria presented, so that one single printer would be defaulted to be selected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

09/960,528

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TWYLER PAMBHY PATENT EXAMINER